

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESale PRICE	)	MDL No. 1456
LITIGATION	)	
	)	CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:	)	
	)	Judge Patti B. Saris
ALL ACTIONS	)	
	)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal the following pleadings and other materials: (1) Declaration of Donald E. Haviland, Jr., Esquire in Support of Plaintiffs' Motion to Certify Claims With Respect to Track 2 Defendants; and (2) Affidavit of Glenn Randle.

The foregoing items include or reference copies of documents and/or excerpts from documents that certain defendants have identified as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” pursuant to the terms of the December 13, 2004 Protective Order. Also, the foregoing items reference information contained in documents designated by certain defendants as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” In addition, the foregoing items not only quote extensively from and/or attach documents that certain defendants have designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL,” but also they include references to pricing data that defendants likely believe to be highly proprietary in nature.

Paragraph 15 of the Protective Order mandates that any document or pleading containing material such as that referenced above be filed under seal. Plaintiffs hereby seek to comply with the terms of the Protective Order.

While plaintiffs seek to file the above-listed items under seal in order to comply with the Protective Order, plaintiffs believe that much if not all of the material that defendants have designated or likely deem to be "CONFIDENTIAL" or HIGHLY CONFIDENTIAL is not truly confidential or highly confidential. Accordingly, plaintiffs plan to move for an order unsealing the summary judgment (and other) materials recently filed by defendants under seal, in addition to the materials that plaintiffs themselves hereby seek to file under seal.

WHEREFORE, Plaintiffs respectfully request that this Court grant them leave to file the foregoing listed materials under seal.

DATED: May 8, 2006

By /s/ Steve W. Berman  
Thomas M. Sobol (BBO#471770)  
Edward Notargiacomo (BBO#567636)  
Hagens Berman Sobol Shapiro LLP  
One Main Street, 4th Floor  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003

**LIAISON COUNSEL**

Steve W. Berman  
Sean R. Matt  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

Elizabeth Fegan  
Hagens Berman Sobol Shapiro LLP  
60 W. Randolph Street, Suite 200  
Chicago, IL 60601  
Telephone: (312) 762-9235  
Facsimile: (312) 762-9286

Eugene A. Spector  
Jeffrey Kodroff  
Spector, Roseman & Kodroff, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 496-0300  
Facsimile: (215) 496-6611

Kenneth A. Wexler  
Jennifer Fountain Connolly  
The Wexler Firm LLP  
One North LaSalle Street, Suite 2000  
Chicago, IL 60602  
Telephone: (312) 346-2222  
Facsimile: (312) 346-0022

Marc H. Edelson  
Allan Hoffman  
Edelson & Associates LLC  
45 West Court Street  
Doylestown, PA 18901  
Telephone: (215) 230-8043  
Facsimile: (215) 230-8735

Shanin Specter  
Donald E. Haviland, Jr.  
Kline & Specter, P.C.  
1525 Locust Street, 19th Floor  
Philadelphia, PA 19102  
Facsimile: (215) 772-1359  
Telephone: (215) 772-1000

**CO-LEAD COUNSEL FOR  
PLAINTIFFS**

